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May 14, 2018

To: Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

Subject: Appeal of USAC Funding Decision - Docket 02-6

Request for Review

From: Gold Consulting Team  
Leah Lax  
CRN 16066397  
School: TALMUD TORAH IMREI BURECH  
BEN: 16021127  
FRN 1699088837 of form 471# 161040901 and FRN 1699089900  
of form 471 # 161041281

Introduction and Background

On about May 15, 2016, Gold Consulting Team filed the form 471s on behalf of Talmud Torah Imrei Burech. The school had selected Top Quality Communication as their provider for their telecom and internet services of funding year 2016. At the time of the filings the school had requested that we enter a temporary SPIN, as the company wasn't sure at that time if they will request a separate SPIN for each Service Type. At that time, instead of using the standard temporary SPIN: 143666666 we used 143999999 as we had previously had issues with SPIN 143666666.

## USAC Review and School Response

In September of 2017 we got a review from USAC (Machado Glisban) asking the school to provide documentation to verify service delivery, such as Service Provider bills and to provide proof of payment. At that time the school provided the Top Quality Communication invoices for the above mentioned FRNs and they also sent copies of the school payments to Top Quality Communication. At that time we brought up an issue with the reviewer (Machado Glisban), that currently the 471 application doesn't have the company's SPIN, I also advised her of our intention to file for Correctional SPIN Change and I asked her if we should submit a RAL at that time. Her response to me was, I should not file for any changes at this time, and that she will make the changes and let me know if there are any other questions or if additional information is needed

## USAC FCDL

On 1/30/2018 we received an FCDL denying the above FRNs. DR1: The FRN is denied because the applicant failed to provide at the request of the Program Administrator all requested documentation. Specifically, prior to commitment of the FRN, you were asked to submit documentation to support that the services requested in the FRN were delivered during the funding year and/or you were asked to provide vendor documentation in support of the FRN. You failed to provide all requested documentation. Therefore, your FRN is denied.

## Appeal to USAC and USAC Decision on Appeal

We appealed this directly with USAC on the grounds that we believe that we provided just that and we did not receive any follow up questions on our response. On 03/17/2018 we received an RFCDL denying our appeal the reason given was: - The FRN is denied because the applicant failed to provide at the request of the Program Administrator all requested documentation. Specifically, you were asked to submit documentation to support that the services requested in the FRN were delivered during the funding year and/or you were asked to provide vendor documentation in support of the FRN. You provided a response which failed to demonstrate that services were delivered by the service provider listed for the FRN. Therefore, your FRN is denied.

## Our appeal to the FCC

We are appealing this decision with the FCC as we believe that USAC erred in denying these FRNs. Basically the reason USAC gave for denying these FRNs was because the school did not use the service provider listed on the form 471. As the school obviously provided documentation that supports that the services requested in the FRN were delivered during the funding year (just not with the service provider listed on for 471). And in reality there was no reason to deny these FRNs for multiple reasons:

- 1- Since the SPIN that was entered on the form 471 is obviously an incorrect SPIN as SPIN 143999999 is used as a state replacement SPIN a school is eligible to select a correct service provider (as a correctional SPIN change). And according to USAC guidelines the time to file a correctional spin change is "no earlier than the date of your RAL, and **no later than the last date**

**to submit an invoice”** (so school was entitled to file for a correctional SPIN Change after the FCDL).

2- Also it is standard USAC procedure when you submit documentation that shows a different service provider than was entered on the 471, that USAC comes back for a clarification and in a case that original provider is not providing any service that reviewer will initiate a spin change.

3 – Also as previously mentioned during the USAC review from Machado Glisban who asked the school to provide documentation to verify service delivery, I brought this to her attention that currently the 471 application doesn't have the company's SPIN, I also advised her of our intention to file for a Correctional SPIN Change, I asked her if I should submit a RAL at that time. Her response to me was, I should not file for any changes at this time, and that she will make the changes and let me know if there are any other questions or if additional information is needed

We appreciate this opportunity.

A handwritten signature in cursive script that reads "Leah Lax".

Leah lax

Consultant